REMARKS

The present application has three independent claims. In the Office Action dated

September 21, 2006, claim 1 was rejected under 35 U.S.C. § 103(a) based upon U.S. Patent No.

5,991,783 to Popa et al in view of U.S. Patent No. 6,505,252 to Nagasaka. Claims 11 and 12

were rejected in view of these two references and further in view of U.S. Patent No. 5,864,411 to

Norris. The foregoing amendments have been made to clarify the differences that exist between

applicants' invention and the prior art cited by the Examiner. The following comments are

provided to explain the significance of these differences.

A.   Claims 1-9

Applicants' claim 1 is directed to a method for creating pages for a publication. One type

of publication for which the invention is ideally suited is the publication of a high school

yearbook. It is common for a high school to have 1500 or more students. Yearbooks typically

have numerous pages containing a collection of portraits of students as well as pages containing

candid shots related to school sponsored organizations, activities and events. The present

invention eases the way all types of pages are created for the yearbook.

The first step of the method defined by applicants' claim 1 is to assemble a collection of

images of subjects to appear in a publication. In the case of a 1500 student school, there would

typically be a separate portrait of each of the students as well as hundreds of images of different

groups, events and activities. Thus, the collection could contain more than 2500 images. In the

prior Office Action, the Examiner recognized that the Popa et al reference does not disclose

"assembling a collection of images of subjects to appear in the publication". (See prior Office

Action, p. 13). While Nagasaka teaches a data transfer system to transmit preview data, it says

nothing about "assembling a collection of images of subjects to appear in the publication". As

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such, the very first element of claim 1, as amended, distinguishes the two references cited against claim 1 by the Examiner in the prior Office Action.

The second step of the method of claim 1 is to collect data related to <u>the subject of each of the images</u> of the collection. As suggested by block 50 in Fig. 2 of applicants' drawings, this data related to the subject of the portrait images for a yearbook would include, for example, at least the first name of the subject, the last name of the subject, the grade of the subject, and the subject's home room. This differs from Popa et al in several respects. First, if Popa et al does not teach assembling a collection of images to appear in the publication, Popa et al cannot teach "collecting data related to the subject of each of the images of said collection". Second, Popa et al does not even disclose the step of claim 1 involving collection of data related to the subject of the images in the same fashion as required by applicants' invention. The Examiner correctly noted in the September 21, 2006 Office Action that Popa et al does suggest storing a graphics file in a data storage and does use a "graphics manipulator" for communicating with a graphical image database <u>when modifications to an image are made</u>. These modifications include cropping an image, rotating all or parts of an image, duplicating parts of an image, sharpening an image, blurring an image, adjusting the image resolution, color correcting, and adding text/data <u>to an image</u>. All of this in Popa et al relates to editing or modifying the images themselves as opposed to what applicants' invention does in the first two steps of claim 1, namely assembling a collection of images of subjects to appear in a publication, and collecting data related to the subject of each of the images of said collection. Further, the Office Action never indicates that Nagasaka discloses such data collection.

The third step of the method of applicants' claim 1 is to create a database linking <u>each of the assembled images of the collection</u> to the data collected <u>related to the subject of the image</u>

and storing the images in the database on a first computer system. This computer system, in the case of yearbook publication, would typically be a computer system owned by the yearbook publishing company and located at the yearbook publishing company's facility. Since Popa et al and Nagasaka fail to teach the first two steps of applicants' invention, they are incapable of teaching this third step of linking the images of subjects to data related to the subjects.

Step (d) of the method of applicants' amended claim 1 further distinguishes applicants' invention from Popa et al and Nagasaka. This step requires using one of a plurality of computers at a location remote from the first computer to access the database. This element is important in the high school yearbook example because applicants' invention permits members of the high school yearbook staff to use computers located at the high school to access the database. Both Popa et al and Nagasaka fail to disclose such a database and thus the use of such computers to access such a database. The Examiner acknowledged that Popa et al fails to disclose this step. (See the September 21, 2006 Office Action at p. 9). While Nagasaka does disclose an image data transfer system, Nagasaka does not teach a database of the type required by claim 1. Thus, Nagasaka does not teach using the data transfer system it discloses to access such a database.

Step (e) of claim 1, as now amended, requires using said one of said plurality of second computers to select and communicate to the first computer system (i) the desired page layout for at least one page of the publication; and (ii) the desired manner in which images should be selected from the collection of images and grouped by the first computer system using the data stored in the database related to the subject of each of the images of the collection. In the high school yearbook example, this offers several advantages, particularly when the high school staff wishes to create the portrait pages for the yearbook. The staff first decides on a page layout, taking into account the number of portrait images to be included on a page and how the images

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are to be arranged on the page or pages. The yearbook staff also decides how images are to be

selected for inclusion on the portrait pages and in what order images will be grouped. For

example, the yearbook staff could decide to select the students by grade or by home room and

then group them alphabetically by first or last name. Once the yearbook staff makes this

decision, a member of the staff, using a computer at the high school, communicates this decision

to the first computer system at the publisher's facility.

Popa et al is entirely incapable of teaching step (e) required by applicants' claim 1 as

amended. First, element (e) requires communication between a second remote computer and a

first computer system. Popa et al does not disclose this arrangement. (See September 21, 2006

Office Action, p. 4). Second, step (e) requires communicating the desired manner in which

images should be "selected from the collection of images". The Examiner acknowledged that

Popa et al does not disclose assembling the required collection of images. (See prior Office

Action, p. 9). Third, step (e) contemplates "using data stored in the database related to the

subject of each of the images of the collection". As indicated above, Popa et al does not disclose

such a database. Likewise, while Nagasaka does provide a very general teaching of an image

data transfer system between computers, it does not specifically teach communication of a page

layout for a publication or the desired manner in which images should be selected from a

collection of images and grouped using the data stored in a database related to the subject of each

of the images of the collection as required by the invention of applicants' claim 1.

In step (f) of presently amended claim 1, the first computer system and database are used

to automatically create and store as a file a panel for at least one of the pages of the publication.

As further required by element (f) and as shown in Figure 7, this panel comprises images

selected from the collection and grouped based upon the desired page layout and the manner in

which images should be selected and grouped as communicated by said one of said second computers to said first computer system. Element (f) also requires that this panel file contains low resolution versions of said images. In the yearbook example, this means that in response to the instructions received, via one of the second computers, the first computer system identifies the page layout to be used which dictates the number of images to be included on the page and how images are to be physically arranged on the page. The first computer system also identifies from the data in the database which images to place on the page and in what order. The first computer system then creates and saves a panel containing low resolution versions of the images to be included on a page. If, for example, the yearbook staff decides to organize the portraits of tenth graders alphabetically using a twenty-picture-per-page layout and there are four hundred sixty tenth graders attending the school, the first computer system automatically selects the portrait image of each of the four hundred sixty tenth graders, from the twenty-five hundred plus images in the collection, organizes these selected images alphabetically by the names of the students shown in each of the portrait images and then places the images in the correct order on the twenty-three panels required to display all four hundred sixty images with 2D images per page. Each panel contains low resolution versions of the twenty images corresponding to a particular page and each is saved as a file. A fair reading of Popa et al reveals that Popa et al neither teaches nor suggests using a remote computer to instruct a computer system such that the first computer system automatically selects and organizes pictures in the fashion described above and as now required by applicants' claim 1. Popa et al does not disclose the required collection of images, the required communication between remote computers, or the required database to perform the step of element (f) of claim 1. Nagasaka is similarly lacking.

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It is also important to note that the panel created in the manner described above is not a final page. Instead it is a low resolution editing tool which can then be reviewed using one of the second computers to make sure that the layout is acceptable, all the images are in proper order, and the like. The fact that the panel includes low resolution images reduces the bandwidth/time required to transfer the panel between the first computer system and the second computers. Popa et al does not describe the creation of such a panel or any other tool that can be used in a similar fashion. As the Examiner indicated at page 8 of the September 21, 2006 Office Action, Popa et al does disclose a page layout creator. However, there is no indication in Popa et al that the page data file stored by the page layout creator includes low resolution versions of the images. Popa et al also does not describe transferring such a panel from the first computer system to one of said plurality of second computers as required by element (g) of applicants' claim 1. There is also no discussion of any such arrangement in Nagasaka.

Element (h) of claim 1 requires that the panel created as described above be placed into a page. Claim 1 further requires in elements (g), (h) and (i) that once the page is acceptable, this is communicated to the first computer system which then automatically modifies the acceptable page by changing the low resolution images to high resolution images. The page is then printed as part of the publication. Again, this is all very different on a conceptual level from what is shown, taught and described in either Popa et al or in Nagasaka. As the Examiner acknowledged at page 9 of the September 21, 2006r Office Action, Popa et al does not disclose using said first computer system or one of said second computers to place said panel into a page, communicate to the first computer system that the page is acceptable, or print a modified page as part of the publication. The cited references also fail to disclose the automatic substitution of a high

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resolution version of each image for the low resolution version of that image as part of these steps.

In summary, the combination of Popa et al and Nagasaka does not teach or suggest the combination required by claim 1, namely:

- assembly of a collection of images;
- collecting data related to the subject of each of the images;
- creating a database linking each of the assembled images to the data collected relating to the subject of the images on a first computer system;
- using a remote computer to access the database;
- using said remote computer to communicate to the first computer system a desired page layout and the desired manner in which images should be selected and grouped by the first computer system using the data related to the subject of each of the images stored in the database;
- using the first computer system to automatically create a file panel containing low resolution images based on said communication;
- transferring the panel from the first computer system to a remote computer;
- placing the panel in a page;
- using the first computer system to modify the page by changing the low resolution version of an image to a high resolution version; and

Given the several differences between the subject matter defined by claim 1 and the cited prior art, it is respectfully submitted that claim 1 defines an invention that is neither anticipated by or obvious in view of the art of record. Since claims 2-9 all depend from claim 1, they are patentable as well.

B.   Claims 11 and 12

Claims 11 and 12 are patentable for many of the same reasons that claim 1 is patentable. Neither Popa et al, Nagasaka, nor Norris alone or together teach, as required by elements (a) through (d) of claims 11 and 12, the steps of assembling a collection of images to appear in the publication, collecting data related to the subject of each of the images of the collection, (i.e. the subjects portrayed in the images) creating a database linking the images of the collection to the

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data related to the subject of the images, storing said images and said database on a first computer system, and notifying at least one of a plurality of second computers that the database has been created. The Examiner acknowledged that Popa et al does not disclose assembling a collection of images to appear in a publication (September 21, 2006 Office Action, p. 9). The Examiner also acknowledged neither Popa et al, Nagasaka nor Norris teaches notifying at least one of a plurality of second computers that the database has been created. (September 21, 2006 Office Action, pp. 10-11). While these reasons why the art does not teach this combination have been acknowledged, there are other reasons as discussed with reference to claim 1.

Additional elements of claims 11 and 12 are also missing from the references cited. Popa et al does not disclose elements (e), (f), (g), (h), (i), (j) or (k) of claim 11 or elements (e), (f), (g), (h), or (i) of claim 12. Most of the reasons why the references fail to meet these elements are discussed above with reference to claim 1. Others are acknowledged by the Examiner in the prior Office Action.
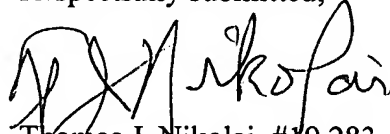
Conclusion

In summary, Popa et al is directed to a typical desktop publishing application, Nagasaka is directed to a typical utility for transferring data between two computers and Norris is directed to creating a video slide show of images. None are directed to automating the production of publications as is applicants' invention and they do not teach the combinations set forth in independent claims 1, 11 or 12 of the subject application. The concept of creating a collection of images and a database linking each image to data related to the subject of the image and using this database to automate the process of selecting and organizing the images on pages of a publication is not taught by these references. Further, the panels of applicants' claims are created and used in

a unique and noble fashion which would not have been obvious to one of ordinary skill in the art viewing the references cited without the benefit of applicants' disclosure.

In view of the foregoing, it is respectfully submitted that the claims of the present invention are in condition for allowance. Such action is most earnestly solicited.
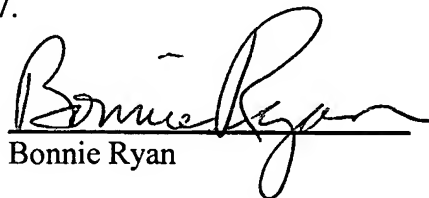
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I hereby certify that the foregoing RCE, Amendment, Petition for Extension of Time and check in the amount of $910.00 in Serial No. 10/624,207, filed July 22, 2003, are being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Commissioner for Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

postage prepaid, on _Jan. 18_, 2007.

Bonnie Ryan